IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.322 OF 2006
IN
CRIMINAL APPEAL NO.1164 OF 2005

Ramesh Sonaji Virkari ...Applicant.
Versus
The State of Maharashtra ...Respondent.

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Mr.M.S.Mohite i/b Mr.Sudeep Pasbola, Advocate for the Applicant.
Mr.D.S.Mhaispurkar, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.
DATED : MAY 05, 2006.

P.C.:

. Heard Mr.Mohite learned Advocate for the applicant-original accused No.7 and Mr.Mhaispurkar learned APP for the State.

2. The applicant has been mainly convicted under Section 302 & 427 of IPC. The applicant is now seeking bail.

3. The prosecution case is that the deceased was travelling by car, at that time, two accused persons i.e. original accused Nos.4 & 5 came on a motorcycle and accused No.4-Gulam Haider Maruf Shah shot at the deceased. Admittedly, the applicant was not alongwith these two accused who shot at the deceased. The only material against

the applicant is the recovery of sim-card from which calls were made to some of the accused persons in this case, at the time of the offence. However, it is seen that no calls were made by the present applicant to accused Nos.4 & 5, but, these calls were made to some other accused persons.

4. In this view of the matter, we are inclined to release the applicant i.e. original accused No.7 - Ramesh Sonaji Varkari on bail.

5. The applicant to be released on bail in the sum of Rs.12000/- (Rs.Twelve Thousand Only) with one or two sureties to make up the said amount. The applicant to attend the concerned police station once in a fortnight for six months and thereafter once in a month, till his appeal is finally disposed of. The appellant-applicant to pay fine, if any, before his release on bail.

6. Application is disposed of.

7. Office to issue an authenticated copy of this order, immediately.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)